

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 GUISELA AGUIRRE GUERRA,

5 Plaintiff,

6 v.

7 DEMATIC CORP., *et al.*,

8 Defendants.
9

Case No. 3:18-CV-0376-LRH-CLB

**ORDER DENYING MOTION FOR
ORDER SHORTENING TIME**

[ECF No. 117]

10 On February 7, 2022, Defendant Dematic Corp. (“Dematic”) filed a motion to strike
11 Plaintiff Guisella Aguirre Guerra’s (“Guerra”) supplemental expert report by Dr. Brian
12 Bantum on ordering shortening time. (ECF No. 117.)

13 First, Dematic did not file a motion for an order shortening time as required by LR
14 IA 6-1(d). Rather, Dematic merely slipped in a cursory request to shorten time in the last
15 paragraph of the declaration of Chad Fuss, Esq. attached to the motion to strike a
16 supplemental expert report. (ECF No. 117.)

17 However, even if this fleeting statement were sufficient to constitute a “motion”
18 pursuant to LR IA 6-1(d), Dematic has failed to establish “good cause” for the Court to
19 grant this relief. LR IA 6-1(d) explicitly states that “[m]otions to shorten time will be granted
20 only upon an attorney or party’s declaration describing the circumstances claimed to
21 constitute good cause to justify shortening of time.” (emphasis added.) A review of Mr.
22 Fuss’s declaration states Guerra served Dr. Bantum’s supplemental report on November
23 9, 2021. (*Id.*) Dematic then claims that it held a conference with Plaintiff’s counsel but
24 curiously fails to provide any information as to when this alleged conference took place.
25 Rather, Dematic merely claims in the final paragraph of the declaration that “good cause”
26 exists to hear this matter on shortened time because Dr. Bantum’s deposition is set for
27 February 18, 2022 and the parties need to know if his testimony will be limited. (*Id.*)

28 Dematic is silent as to why it waited 90 days after being served the supplemental

1 expert to file a motion to strike. The delayed filing of a motion is not good cause for the
2 Court to hear said motion on shortened time.¹ Dematic is reminded that this Court has
3 hundreds of cases pending before it and many, many motions that are awaiting decision.
4 The Court will not operate on a shortened time frame to serve the needs of counsel who
5 delay in filing a motion only days before a scheduled deposition.

6 Therefore, Dematic's motion to shorten time is **DENIED**. The motion to strike shall
7 be briefed and heard in the normal course.

8 **IT IS SO ORDERED.**

9 **DATED:** February 8, 2022.

10 
11 **UNITED STATES MAGISTRATE JUDGE**

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26 ¹ It should be noted that on December 3, 2021, Dematic stated in the parties'
27 Case Management Conference Report that it intended to file a motion to strike this expert
28 report. (ECF No. 107 at 5:12-14.) And yet, Dematic waited until February 7, 2022 – over
two months later – to file this motion and only 11 days prior to the scheduled deposition
on February 18, 2022.